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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Scott McIntyre,

10 Plaintiff,

11 v.

12 Arizona Board of Regents (ABOR)

13 Defendants.  
14  
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No. CV-24-08151-PCT-DGC

**ORDER**

16 On January 22, 2025, the Court issued an order granting Defendants' partial motion  
17 to dismiss. Doc. 28. Plaintiff has filed a motion for reconsideration of the Court's ruling.  
18 Doc. 30. The Court will deny the motion.

19 Motions for reconsideration are disfavored and should be granted only in rare  
20 circumstances. *See Ross v. Arpaio*, No. CV 05-4177-PHX-MHM (ECV), 2008 WL  
21 1776502, at \*2 (D. Ariz. Apr. 15, 2008). A motion for reconsideration will be denied  
22 "absent a showing of manifest error or a showing of new facts or legal authority that could  
23 not have been brought to [the Court's] attention earlier with reasonable diligence." LRCiv  
24 7.2(g)(1); *see United Nat'l Ins. Co. v. Spectrum Worldwide, Inc.*, 555 F.3d 772, 780 (9th  
25 Cir. 2009). Mere disagreement with an order is an insufficient basis for reconsideration.  
26 *See Ross*, 2008 WL 1776502, at \*2. Nor should reconsideration be used to make new  
27 arguments or to ask the Court to rethink its analysis. *Id.*; *see N.W. Acceptance Corp. v.*  
28 *Lynnwood Equip., Inc.*, 841 F.2d 918, 925-26 (9th Cir. 1988).

1 Plaintiff asks the Court to reconsider its order dismissing as time barred his Title VII  
2 religious discrimination claims regarding the denial of religious exemption from the  
3 university's testing and health reporting policy on January 27, 2021, and the denial of  
4 religious exemption from the university's vaccination policy on January 8, 2022. Doc. 30.  
5 But discrete acts of religious discrimination that are time-barred are not made actionable  
6 by other related acts for which a timely charge has been filed. *Nat'l R.R. Passenger Corp.*  
7 *v. Morgan*, 536 U.S. 101, 102 (2002).

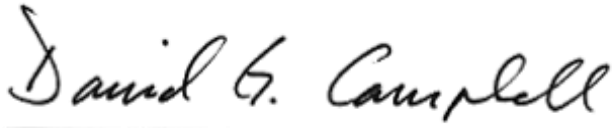
8 As the Supreme Court has explained, however:

9 The existence of past acts and the employee's prior knowledge of their  
10 occurrence . . . does not bar employees from filing charges about related  
11 discrete acts so long as the acts are independently discriminatory and charges  
12 addressing those acts are themselves timely filed. Nor does the statute bar an  
employee from using the prior acts as background evidence to support a  
timely claim.

13 *Id.* As the Court noted in its order, the parties disagree over what other adverse actions are  
14 timely and remain in the case. Doc. 28 at 4 n.4. "Such close factual inquiries are not  
15 appropriate at the motion to dismiss stage, where the Court's decision must be based on  
16 facts alleged in the complaint." Doc. 28 at 4 n.4. The parties may engage in more detailed  
17 arguments about what claims are timely in their summary judgment briefing.

18 **IT IS ORDERED** that Plaintiff's motion for reconsideration (Doc. 30) is **denied**.

19 Dated this 24th day of January, 2025.

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23 David G. Campbell  
24 Senior United States District Judge  
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